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— 1897. —

Public Travel.
The Law Relating
To:—

Bicyclists,
Horsemen,
Pedestrians,
Compiled and Annotated.

BY

ARTHUR L. WILLSON, B.A.

AUTHOR OF MUNICIPAL WORKS.

PRICE 50 CENTS.

Including the Important
Legislation of 1897.

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COMPILATION OF LAWS GOVERNING AND
REGULATING THE USE OF BICYCLES,
TRICYCLES AND OTHER VEHICLES
ON PUBLIC HIGHWAYS—WITH
ANNOTATIONS.

BY ARTHUR L. WILLSON, B.A., Author of Municipal
Works.

CONTENTS:

7. The Act to Regulate Travelling.
 10. Sidewalks — Bicycle Paths — Carriage Ways—
Protecting Bicycle Paths.
 11. Protection of Sidewalks—Removal of Snow
and Ice—Regulating Bicycle Travel.
 12. Public Highways — Jurisdiction—Possession—
Liability for Repairs.
 13. Licensing Livery Stables.
 14. Setting apart Streets for Fast Driving — Fines
and Penalties.
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PREFACE.

While Councils of municipal corporations have jurisdiction over roads and bridges within their respective boundaries, their chief duty in relation thereto, is to preserve and keep the same in a good and sufficient state of repair for the benefit of all who may desire to travel thereon, subject in case of default, to the penalties provided by law, as well as being civilly liable for any and all damages occasioned by reason of such default.

Any by-law of a Council which exceeds the authority given by express enactment of the legislature is bad and may be set aside or quashed.

It has been held that the public has a right of way over the *whole width* of every road and no restrictions can be made or imposed by a Council operating against the travelling public, unless special provisions are made by some act empowering such Council so to do.

A Council may pass by-laws preventing the riding or driving of horses etc. on sidewalks.

To prevent racing and immoderate driving on highways and bridges.

To regulate and govern persons using bicycles and other vehicles not drawn by horses *when the population of the municipality is 100,000 or more.*

Prior to the legislation of 1897, Councils of municipalities having a population of less than 100,000 had no power to pass by-laws to prevent bicyclists riding on sidewalks.

The government has wisely guarded the interests of the public in respect to roads and public travel thereon and no strained construction of any enactment will entitle a Council to interfere with the established rights of the people.

The whole tenor of the Municipal Act and other Acts relating to municipal government, is to authorize and provide such regulations as will be for the best interests of the inhabitants.

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AN ACT TO REGULATE TRAVELLING ON PUBLIC HIGHWAYS AND BRIDGES. R. S. O., Chapter 195 as amended by 57 V.C. 52, 59 V.C., 51, 60 V.C. 56.

1. In case a person travelling or being upon a highway in charge of a vehicle drawn by one or more horses, or one or more other animals, meets another vehicle drawn as aforesaid, he shall turn out to the right from the centre of the road allowing to the vehicle so met one-half of the road.

1a. In case a person travelling or being upon a highway in charge of a vehicle as aforesaid meets a person travelling upon a bicycle or tricycle he shall where practicable allow the person travelling upon a bicycle or tricycle sufficient room on the travelled portion of the highway to pass to the right.

1b. In case a person travelling upon a highway on a bicycle or tricycle overtakes any vehicle as aforesaid or horseman travelling at less speed or a person travelling on foot the person travelling on a bicycle or tricycle shall give to the other person audible warning of his approach before attempting to pass.

1c. In case a person travelling or being upon a street or highway on a bicycle or tricycle is overtaken by any vehicle as aforesaid or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass and the person so overtaking the bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

1d. In case a person travelling upon a bicycle or tricycle in cities of over 100,000 inhabitants in a northerly or westerly direction upon the central strip between the double tracks of a surface railway meets another person on a bicycle or tricycle travelling in an opposite direction he shall turn out to the right, allowing to the bicycle or tricycle so travelling South or East the whole of such central strip.

2. In case a person travelling, or being upon a highway in charge of a vehicle as aforesaid, or on horseback, is overtaken by any vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass.

3. In the case of one vehicle being met or overtaken by another, if by reason of the extreme weight of the load, on either of the vehicles so meeting or on the vehicle so overtaken, the driver finds it impracticable to turn out as aforesaid, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage.

4. In case a person in charge of a vehicle, or of a horse or other animal used as the means of conveyance, travelling or being on a highway as aforesaid, is, through drunkenness unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur the penalties imposed by this Act.

5. No person shall race with or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway.

6. Every person travelling upon a highway with a sleigh, sled, or carriage, drawn by horse or mule, shall have at least two bells attached to the harness.

7. Every person who has the superintendence and management of any bridge exceeding thirty feet in length shall cause to be put up at each end conspicuously placed, a notice legibly printed, in the following form, "Any person or persons riding or driving, on or over this bridge at a faster rate than a walk will on conviction thereof, be subject to a fine, as provided by law."

8. In case a person injures or in any way interferes with such notice he shall incur a fine of not less than \$1, nor more than \$8, to be recovered in the same manner as other penalties imposed by this Act.

9. If, while such notice continues up, a person rides or drives a horse or other beast of burden over such bridge at a pace faster than a walk, he shall incur the penalties imposed by this Act.

10. In cases not otherwise specially provided for, if any person contravens this Act, and such contravention is duly proved by the oath of one credible witness, before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than \$1, nor more than \$20, in the discretion of the Justice, with costs.

11. If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, under a warrant signed and sealed by the convicting Justice, and the overplus, if any, after deducting the penalty and costs and charges of sale shall be returned, on demand, to the owner of the goods and chattles.

12. In default of payment of distress the offender shall, by warrant signed and sealed as aforesaid, be imprisoned in the common goal for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless the fine, costs and charges are sooner paid.

13. No such fine or imprisonment shall be a bar to the recovery of damages by the injured party before any Court of Competent Jurisdiction.

14. Every fine collected under this Act shall be paid to the Treasurer of the local municipality or place in which the offence was committed, and shall be applied to the general purposes thereof.

Provided, however, that in case where the offence has been committed on a road or bridge, owned by a company or person, and such company, firm or person, or the officer or servant of such company, firm or person is the complainant, the fine collected shall be paid over to such company, firm or person.

See Municipal Act Sections 420-473a-479 s.s. 17-19 and s. 482.

SIDEWALKS — BICYCLE PATHS — CARRIAGE WAYS.

Municipal Act, Cap. 42, Sec. 550 (amended 1896—1897.)

The Council of every County, township, city, town and incorporated village may pass by laws.

1. For setting apart and laying out such portions of any—roads, streets, squares, alleys, lanes, bridges or other communications, as the Council may deem necessary or expedient, for the purpose of carriage ways, boulevards and side walks, or for the improvement or beautifying of the same, and for preventing and removing any obstructions upon any subways, bridges within its jurisdiction, and also for permitting roads for cattle under any highway.

1a. For setting apart so much of any highway or road or street as the Council may deem necessary for the purposes of a bicycle path.

1b. If a person rides or drives a horse or other beast of burden, or a wagon, carriage or cart along a bicycle path hereafter or heretofore set apart by by-law, he shall incur the penalties imposed by *The Act to regulate Travelling on Public Highways and Bridges*. See 60 V.C. 57 (1).

Sec. 557 (4).

The Council of every township may pass by-laws for setting apart so much of any highway as the Council may deem necessary, for the purpose of a foot path and for imposing penalties on persons travelling thereon on horseback or in vehicles.

PROTECTING BICYCLE PATHS.

60 Vic. C. 57.

The Council of every county, township, city, town, and incorporated village may pass by-laws for setting apart so much of any highway or road or street as the Council of any such municipality having control over such highways road or street may deem necessary for the purpose of a bicycle path, and if a person rides or

drives a horse or other beast of burden over such bicycle path he shall incur the penalties imposed by the Act to regulate travelling on public highways and bridges.

Municipal Act Sec. 496, s. s. 3.

The Council of every city, town and incorporated village may pass by-laws.

For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor. *See* 60 V.C. 45 S. 51.

PROTECTING SIDEWALKS.

60 Vic. C. 45—S. 51.

The Council of every municipality may, by by-law prohibit carriages, wagons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles and conveyances from being upon or being used, drawn, hauled or propelled along or upon any sidewalk, pathways or footpaths used by or set apart for the use of pedestrians, and forming part of any street, avenue, boulevard, bridge or other means of public communication, or in or upon any avenue, boulevard, park, park plot, garden or other place set apart for ornament or embellishment of the Municipality, or for public recreation.

REMOVAL OF SNOW AND ICE.

Fines and penalties, Municipal Act, c. 42, s. 479, s.s. 17-19 for breach of by-law.

Municipal Act sec. 629 (4). The Council of a city, town, township and incorporated village may pass by-laws to define certain areas or sections within the municipality in which all snow, ice and dirt and other obstructions shall be removed from the sidewalks, streets, lanes, and alleys.

REGULATING BICYCLE TRAVEL.

Municipal Act Sec. 489, s.s. 59 (58 V. C. 42).

The Council of every Township, City, Town or incorporated Village may pass by-laws.

For regulating and governing (but not licensing), persons using bicycles and other vehicles not drawn by horses; but this sub-section shall apply only to municipalities which have a population of 100,000 or more.

PUBLIC HIGHWAYS—JURISDICTION.

Municipal Act, Sec. 524.

All allowances made for roads by the Crown Surveyors in any town, township or place already laid out or hereafter laid out; and also all roads laid out by virtue of any Statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law.

Sec. 526. Subject to the exceptions and provisions hereinafter contained, every municipal council shall have jurisdiction over the original allowances for roads and highways and bridges within the municipality.

POSSESSION.

Sec. 527.

Every public road, street, bridge or other highway in a city, township, town or incorporated village, shall be vested in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway reserved, and except any concession or other road within the city, township, town or incorporated village, taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor.

LIABILITY FOR REPAIRS.

Sec. 531:—As amended by 57 V. C. 50 and 59 V. C. 51.

Every public road, street, bridge and highway shall

be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within *three months* after the damages have been sustained. Provided, however, that no municipal corporation shall be liable for accidents arising from persons falling, owing to snow or ice upon the sidewalks unless in case of gross negligence by the corporation; and provided also that no action shall be brought to enforce a claim for damages under this sub-section unless notice in writing of the accident and the cause thereof has been served upon or mailed through the post office to the mayor, reeve, or other head of the corporation, or to the clerk of the municipality within *thirty* days after the happening of the accident, when the action is against a township, and within *seven* days when the action is against a city, town or incorporated village; and provided also that in case of the death of the person by whom the damages have been sustained the want of notice shall be no bar to the maintenance of the action.

LICENSING LIVERY STABLES.

Municipal Act Sec. 436.

The Board of Commissioners of Police shall in cities regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibusses and other vehicles regularly used for hire within the said city whether such owners are resident or non-resident therein.

See 479.

The council of every county, township, city, town and incorporated village may pass by-laws (4) for regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water. (14) For regulating the

driving and riding of horses and other cattle on highways and public bridges, and, preventing racing, immoderate or dangerous driving or riding thereon.

FAST DRIVING ON STREETS.

59 V.C. 51 S. 32.

In cities of over 100,000 inhabitants, the Council thereof may by by-law set apart a street or streets on which horses may be driven or ridden more rapidly than is permitted upon the other streets of the city, and may from time to time pass by-laws for regulating and governing the use of such streets for the aforesaid purposes. But if a majority of the property owners on any such street petition against such by-law it shall be repealed.

FINES AND PENALTIES.

Sections 420—423a ; 479, (17.19) ; 482.

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